

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

WILLIAM R. LOOKER, III, on behalf of)	
himself and all others similarly situated)	
)	
Plaintiff,)	
vs.)	Case No. 4:14-CV00203-DW
)	
SMOKEHOUSE BBQ, INC. d/b/a)	
SMOKEHOUSE BAR-B-QUE,)	
)	
Defendant.)	

**JOINT MOTION TO APPROVE CERTAIN MODIFICATIONS TO THE SETTLEMENT
AGREEMENT AND SUPPORTING MEMORANDUM**

Plaintiff William Looker (“Named Plaintiff”) and Defendant Smokehouse BBQ, Inc. (“Defendant” or “Smokehouse”) jointly move this Court to approve an Addendum to the Settlement Agreement and Release of Claims, attached hereto as Exhibit 1, which makes certain modifications to the Settlement Agreement. In support of this Motion, the parties state as follows:

1. On July 16, 2015, the Court approved the parties’ Settlement Agreement and Release of Claims (“Settlement Agreement”), which approved settlement awards to Servers who worked for Defendant during the Class Period. (Doc. 81).

2. During the course of the settlement administration process, certain individuals contacted Class Counsel, and identified themselves as persons who worked as Servers for Defendant during the Class Period. Defendant investigated these claims and confirmed that these individuals had worked as Servers during the Class Period and had been inadvertently omitted from the Settlement Agreement.

3. Pursuant to paragraph 11 of the Settlement Agreement, the parties negotiated settlement awards for these individuals along the same lines as the other Servers. To memorialize this resolution, the parties executed the Addendum to the Settlement Agreement which sets forth the

specific settlement awards, and the process by which these individuals can participate in this opt-in Settlement. No other terms of the Settlement Agreement have been changed.

4. In light of these changes, the parties respectfully request that the Court approve this Addendum.

5. This request is made in the interest of justice as it alleviates further litigation, and effectuates the parties' original intent of the settlement. As such, this request promotes due process and should be granted.

Wherefore, for the good cause shown, the parties' respectfully request that the Court approve the Addendum to the Settlement Agreement and Release of Claims, and for any other and further relief the Court deems just and proper.

Date: October 6, 2015

Respectfully submitted,

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